S.B.CRIMINAL MISC. PETITION NO.1340/2006
(Farukh & Ors. Vs. State of Raj.)

Date of order : : 10.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.J.S.Choudhary, for the petitioners.
Mr.Ashok Upadhyay, PP for the State.

By this misc. petition under Section 482 Cr.P.C., the petitioners are challenging the judgment & order dated 10.3.2006 passed by learned Sessions Judge, Rajsamand whereby he has confirmed the order dated 23.9.2005 passed by learned Chief Judicial Magistrate, Rajsamand. Learned Magistrate vide its order dated 23.9.2005 took cognizance against the petitioners for offence under Sections 147, 341, 323, 354, 506 IPC and framed charges against them for the aforesaid offences.

The main contention of learned counsel for the petitioner is that orders of both the courts below are not the speaking and reasoned order. Learned revisional court has only seen the statements of the witnesses and dismissed the revision

petition filed by the petitioner. He should have given proper reasoning in dismissing the revision petition of the petitioner.

Learned Public Prosecutor has supported the orders passed by both the courts below.

I have considered the arguments advance by learned counsel for the parties and gone through the order dated 23.9.2005 passed by learned Chief Judicial Magistrate and order dated 10.3.2006 passed by learned Sessions Judge. It appears that the police after complete investigation filed charge-sheet against the accused-petitioners for offence under Sections 143, 341, 323, 354, 506, 149 IPC in the court of Chief Judicial Magistrate, Rajsamand. Learned Magistrate after perusal of the charge-sheet and annexed documents took cognizance against the petitioner for offence under Sections 147, 341, 323, 354 and 506 IPC and after hearing the arguments on charge ordered to frame the charge for offences under Section 147, 341, 354, 323 and 506 IPC against the petitioners. This order was challenge in the court of sessions. The learned Sessions Judge after hearing the parties and considering the statements of the witnesses

reached to the conclusion that order of framing charge passed by learned Magistrate was proper in eye of law and dismissed the revision petition filed by the petitioner. In my considered opinion, learned both the courts below have not committed any illegality or irregularity in passing the orders impugned.

Hence, the this misc. petition has not force and the same is hereby dismissed.

(KRISHAN KUMAR ACHARYA), J.

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